

## Opposition and dissidence: two modes of resistance against international rule

Daase, Christopher; Deitelhoff, Nicole

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# Opposition and dissidence: Two modes of resistance against international rule

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[journals.sagepub.com/home/ipt](https://journals.sagepub.com/home/ipt)**Christopher Daase**

Goethe University Frankfurt, Germany

**Nicole Deitelhoff**

Peace Research Institute Frankfurt (PRIF), Germany

**Abstract**

Rule is commonly conceptualized with reference to the compliance it invokes. In this article, we propose a conception of rule via the practice of resistance instead. In contrast to liberal approaches, we stress the possibility of illegitimate rule, and, as opposed to critical approaches, the possibility of legitimate authority. In the international realm, forms of rule and the changes they undergo can thus be reconstructed in terms of the resistance they provoke. To this end, we distinguish between two types of resistance—opposition and dissidence—in order to demonstrate how resistance and rule imply each other. We draw on two case studies of resistance in and to international institutions to illustrate the relationship between rule and resistance and close with a discussion of the normative implications of such a conceptualization.

**Keywords**

Constituent power, dissidence, opposition, radicalization, rule

**Introduction**

“War,” in the words of Clausewitz, “begins with defense” (quoted in Howard and Paret, 1984: 644), and once one has overcome a certain initial outrage at this idea, it becomes clear that there is something to it. The attacker would certainly like to march in without encountering resistance, and so a battle ensues only when those under attack put up

**Corresponding author:**

Christopher Daase, Cluster of Excellence “The Formation of Normative Orders,” Goethe University Frankfurt, Max-Horkheimer-Str. 2, Frankfurt am Main 60629, Germany.

Email: [daase@normativeorders.net](mailto:daase@normativeorders.net)

resistance. Something similar also holds for rule. It becomes visible primarily where it has to be imposed in the face of resistance. Like many social phenomena, it is comprehensible chiefly through being questioned.

However, rule is hardly ever conceptualized in terms of resistance, of *contestation*, but instead in terms of *compliance*. This is mainly due to the fact that Max Weber defined the concept of “rule” first and foremost as *legitimate* rule in the sense of “authority,” and that this understanding has persisted to the present. In this—abridged—form, the concept of rule has also found its way into recent research in International Relations (Hooghe and Marks, 2015; Hurd, 2007; Lake, 2009; Zürn, 2018). But since rule may be legitimate or illegitimate, we propose a conception of rule via the practice of resistance. This reflects our understanding of rule as a structure of institutionalized subordination and superordination through which basic goods and opportunities to exercise influence are distributed and expectations concerning compliance are stabilized, regardless of whether these structures are primarily of a sociocultural, an economic, or a military nature. Our aim is in the first place to highlight the complexity of political rule. Compared to *liberal* approaches, we want to stress the possibility of illegitimate rule, and compared to *critical* approaches, we want to emphasize the possibility of legitimate authority. Beyond this, we offer some reflections on how forms of rule and the changes they undergo at the global level can be reconstructed in terms of the resistance they provoke. To this end, we distinguish between two types of resistance—namely, opposition and dissidence—in order to show how resistance and rule imply each other. While our argument about rule and resistance is primarily an analytic one, it is connected to the central normative topic of this special issue: is the notion of constituent power a useful concept to illuminate transnational protest (Niesen, 2019a)? Our distinction between opposition and dissidence does not invoke the notion of constituent power per se, but it can be adapted to do so. In a narrow sense, constituent power could be attributed to forms of dissidence when and if they are explicitly connected to transformative agendas (see also Scheuermann, 2019; Volk, 2019) in a constituted order. However, in a broader sense, we hold that in a non-constitutionalized or only partly constitutionalized system, all forms of resistance entail a claim to constituent power: by identifying and questioning forms of rule, they lay the very precondition for allowing a transformation and constitutionalization of rule in the first place. They create spaces for political struggles about rule and its legitimate forms and substances.

The following section begins by presenting the problem of rule as it features in International Relations. Whereas realist approaches exclude rule already on conceptual grounds, liberal approaches and critical approaches try to capture phenomena of rule either through the concept of “authority” or through the concept of “hegemony.” However, important these approaches may be, their respective understandings of rule are nevertheless one-sided, with the result that they fail to take account of essential manifestations of relations of rule and their effects in international politics. Therefore, we propose an understanding of resistance as a typical phenomenon also of legitimate rule and to reconstruct manifestations of global rule on the basis of forms of resistance. We distinguish between “opposition,” which accepts the ruling order as such and makes use of the institutionalized forms of political involvement to express its dissent, on one hand, and “dissidence,” which rejects the rules of the order and chooses unconventional forms

of organization and articulation to exercise radical critique of rule, on the other hand. The transitional mechanisms between opposition and dissidence can be connected with the transformation of rule, even though the concrete cause-and-effect relationships have to be reconstructed on a case-by-case basis. After illustrating our conceptualization with two short case studies, we take up open questions in the conclusion and summarize our plea for an understanding of rule in International Relations that does not argue away resistance in its many forms, but instead accords it its appropriate empirical and normative place as a necessary component of international politics.

## The rule problematic in international relations

The “anarchy problematic” (Ashley, 1988) that was widely discussed during the 1980s and 1990s has been superseded in recent years by what we would like to call the *rule problem* in International Relations. Questions have come to the fore as to whether the international system following the Cold War can be described as a unipolar, a hegemonic, or an imperial system (see Ikenberry et al., 2009; Münkler, 2007; Vagts, 2001); how differences in power in the international system can be translated into vertical differentiation (Donnelly, 2006, 2009); how formal and informal hierarchies emerge (Lake, 2009); and how international institutions acquire the authority to compel states, but also increasingly non-state actors, to comply with their rules (Schakel et al., 2015; Zürn, 2012, 2018). In short, the question of rule has superseded the question of anarchy in International Relations—empirically and normatively: who can and who may command the conduct of international actors? This question becomes even more urgent the more international institutions acquire regulatory powers that they are able to enforce even without an explicit consensus among states, a trend that has been impressively demonstrated in the case of the European Union by several studies (Schakel et al., 2015; Zürn et al., 2012). There are good reasons, therefore, why current references to the problem of rule in International Relations are mainly to be found in the debate on the autonomy of international organizations (see Barnett and Finnemore, 1999; Hawkins et al., 2006). The rule problem is also becoming increasingly important as inequalities between states become more pronounced (or perceived as such) and affect the decision-making of international organizations (Viola et al., 2015; Zürn and Deitelhoff, 2015). Finally, another factor is the rise of emerging powers and their demand for appropriate involvement in the decision-making structures of world politics (see Acharya, 2014; Hurrell, 2006).

Already a quarter-century ago, Nicholas Onuf and Frank Klink made a compelling proposal to take the concept of rule as the starting point for the theory of international relations, and hence to counter the “myth” that the international system is anarchic—that is, free of rule. In their view, the focus should be on international processes “resulting in a stable pattern of asymmetrically distributed benefits” (Onuf and Klink, 1989: 169). At that time, however, Onuf and Klink found themselves in a discursive situation that either held rule in International Relations to be basically impossible (realists) or interpreted the concept in such a one-sided way—as *authority* (liberals) or *hegemony* (critical theory)—that there could not be any question of it serving as the basic concept for a theory of international relations. As a result, a comprehensive (and normatively open) understanding of rule has not been able to prevail in International Relations to the present day.

### *The reduction of rule to hierarchy in realism*

Although it is a commonplace that equality among states is a fiction and power differences have always translated into stable relationships of super- and subordination, International Relations theorists have consistently avoided speaking of an international system of rule. In this they were aided by the conceptual distinction between “anarchy” and “hierarchy,” and the assertion of political realism that anarchy is *the* ordering principle that differentiates international categorically from domestic politics (Waltz, 1979: 116). The implicit equation of rule and hierarchy suggests that one could speak of international rule only when a permanent monopoly of coercive power—thus a world state—would give rise to a transformation of the anarchic structure into a hierarchical one. Given the constraints of self-help systems (Grieco, 1988; Mearsheimer, 1994) and the logic of balance-of-power politics (Mearsheimer, 2001; Morgenthau, 1954; Walt, 1987; Wohlforth et al., 2007), such a transformation is neither theoretically likely nor empirically foreseeable (see Schimmelfennig, 1998: 330).

Nevertheless, realists have never disputed the existence of enduring power differentials and they tried to theorize them in terms of the concept of hegemony. The theory of hegemonic stability asserts, for example, that international systems are particularly stable when a single state is overwhelmingly powerful and can assume the function of a “hegemon.” Consequently, the concept of hegemony refers less to the political system than to the characteristics of a state. These enable the hegemon to impose rules in different areas of policy favorable to, but also binding on, itself, and in this way to make public goods available (Keohane, 1984; Kindleberger, 1981). None of this involves “rule” on the realist reading, because a formal hierarchy is not introduced and the anarchic structure of the international system remains intact. Why states offer resistance to hegemony can be explained in the realist paradigm, therefore, only as direct competition for power, where this is conceived in terms of hegemony cycles and power transitions (Boswell and Sweat, 1991; Gilpin, 1989; Modelski, 1987).

### *The reduction of rule to authority in liberalism*

Liberal theories of political rule are shaped by Weber’s sociology of rule as institutionalized power. For Weber, rule [Herrschaft] in the “narrower sense” is “identical with authoritarian power of command” (Weber, 1978: 946). Here, “authoritarian” does not mean that it is imposed but instead that it is recognized in the sense of being “authoritative” insofar as “the ruled had made the content of the command into the maxim of their conduct for its own sake” (Weber, 1978: 946). The effect of this definition is that Weber substantially excludes institutionalized power structures that come about, for example, through markets or similar systemic constellations of interests. He also excludes structures of super- and subordination that are based primarily on coercion. Rule becomes an exercise of power on this reading only if it succeeds in generating legitimacy. Rule as authority (and the German term “Herrschaft” is usually translated into English as “authority”) is therefore legitimate from the beginning. Thus, Weber’s concept of rule “aims at structures of command in which the legitimacy claims of the rulers are accepted in general by their subordinates” (Lukes, 1983: 111). This is why

liberal approaches to the present day are mainly preoccupied with the question of the—albeit contested—legitimacy of governance structures at the global level.

Unlike realist approaches, liberal approaches do not assume an anarchic system. Instead, they assume the existence of an international society, which, although anarchic in the sense that it lacks a central authority, is nevertheless ordered insofar as it is based on shared values and norms (Bull, 1977; Martin, 1992; Wendt, 1994). These values and norms provide the basis for increasing interdependence and integration (Keohane and Nye, 1975, 1977).

This Weberian legacy and the assumption that international politics is primarily a problem of cooperation lead liberal approaches to regard the problem of rule in international relations as a phenomenon of authority. That is, they understand rule exclusively in terms of the legitimate exercise of powers of rule-making and rule enforcement, usually by international institutions. Ian Hurd, for instance, speaks explicitly of the increase in legitimate authority of international institutions (Hurd, 2007) and addresses the question of how this increase in competences comes about and what mechanisms can explain why states obey. The voluntariness of “compliance” with such authority is at the forefront of liberal approaches, leaving aside physical compulsion and the constraint generated by the absence of alternatives.

### *The reduction of rule to hegemony in critical international relations theory*

It is a well-known fact that the Marxist tradition devoted itself to precisely the questions concerning rule that Max Weber excluded, namely, to rule through constellations of interests. Marx was primarily concerned with the power of social classes institutionalized in the capitalist system of rule that was legitimized and stabilized through ideology. It was only with Gramsci that the deeper linkage between ideological power and rule was captured in the concept of (cultural) hegemony and that the structural power of norms, rules, and procedures, which first give rise to the various actors along with their identities, interests, and positions within the system, was addressed (Cox, 1983; Gill, 1993; Murphy, 1994). The unequal distribution of opportunities to participate in policy formation in the international system leads to the stabilization of unequal exchange relations and the institutionalization of structures of super- and subordination between center and periphery (Frank, 1979; Rupert and Smith, 2002; Wallerstein, 1979).

Contrary to realism, “hegemony” in this context does not connote a benevolent leadership but domination based on self- or rather class interest. The frequently posed question of the beneficiaries of such “hegemony” has led to intra-paradigmatic controversies. Whereas some regard the state in general (Cox, 1981), the United States in particular (Petras, 2004) or internationalized state apparatuses and global governance networks (Brand, 2007; Mahbubani, 2008) as bearers of hegemony, others focus on transnational corporations, a de-democratized neoliberal technocracy (Brassett and Higgott, 2003) or the transnational capitalist class (Sklair, 2001). What is beyond dispute here is that the rule exercised by these actors is illegitimate even when it is based on supposedly rational justifications and legal institutions. As “global juridical hegemony apparatuses,” the latter are part of the system of rule and thus of a structure of domination (Buckel and Fischer-Lescano, 2009: 449).

These considerations easily resonate with poststructuralist and postcolonial approaches that focus on the totality of rule. Following Michel Foucault, they stress that nobody intentionally erected structures of rule, structures which nevertheless favor some actors over others. Foucault rejects the idea that power is a relationship between rulers and the ruled, or between dominant and dominated classes. For Foucault, power designates “a complex strategical situation in a particular society” (Foucault, 1990: 93). It consists of a multiplicity of relations of force that are inherent in the domain in which actors operate and constitute an organization. Thus, Foucault looks for strategies of power that render counter-power impossible:

In many cases the relations of power are fixed in such a way that they are perpetually asymmetrical and the margin of liberty is extremely limited. [...] In these cases of domination—economic, social, institutional or sexual—the problem is in fact to find out where resistance is going to organize. (Foucault, 1987: 123)

Conflicts as well as competing power and interest claims acquire an impersonal aura against this background, and the “imperial paradigm” of which Hardt and Negri speak represents “both system and hierarchy, centralized construction of norms and far-reaching production of legitimacy, spread out over the world space” (Hardt and Negri, 2000: 13). In such conceptions of global power, there is often no longer any “beyond” or “outside” of rule, because it has migrated into every nook and cranny of social reality, reaching even into language, cultural traditions and stores of knowledge (see Anghie, 2006; Dhawan, 2013; Rajagopal, 2003). Hence, all that is left to these approaches is to criticize (necessarily) illegitimate relations of rule, but they can scarcely analyze rule any longer because they are always already prisoners of that very discursive rule.

Summing up, International Relations theories have generated three different abridgements of the concept of rule: realist conceptions have conflated rule with hierarchy, which is highly unlikely to prevail in the international system given the prevalence of the anarchic structure. At best, one could therefore discern forms of benevolent hegemony. Liberal approaches have equated rule with (legitimate) authority, which manifests itself in international institutions. Finally, critical theories perceive of rule as (illegitimate) domination of some actors or classes over others, based on unequal systems of exchange, cultural hegemony, and power structures that are deeply embedded into practices and systems of knowledge.

## **Conceptualizing rule and resistance**

In what follows, we propose a concept of rule that avoids the problems we have identified in realist, liberal, and critical approaches, one that is suited to comprehending the multiple phenomena of rule in global politics. We understand rule as an expression of asymmetric power relations that are of a certain duration and are reinforced by institutions. Hence, rule signifies a structure of institutionalized sub- and superordination through which basic goods and opportunities to exercise influence are allocated, regardless of whether these structures primarily are of sociocultural, economic, or military nature.

The central idea is to reconstruct rule in terms of resistance empirically, theoretically, and normatively: empirically, because phenomena of rule in international politics are

rarely observable as such, but become visible only if resistance forms and requires being countered; theoretically, because we believe that rule can be more precisely conceptualized through the enforcement of power rather than voluntary compliance; and normatively, because rule is necessarily related to resistance. No matter what form resistance takes, that is, if it entails a transformative agenda or not, it helps to identify rule and to question it, thus laying the foundation for (re-)constituting legitimate rule. The conceptual link between rule and resistance may not be the only option to understand rule, but it allows for going beyond liberal concepts of authority. Rule, then, is no longer what is more or less voluntarily obeyed, but what is more or less forcefully executed. This implies that rule requires resistance just as resistance requires rule (Caygill, 2013: 137–139).

To conceptualize rule in terms of compliance allows the analysis of the adherence of rules, of deference and obedience. This is the approach Hannah Arendt chose to explain the submission of men and women in totalitarian systems (Arendt, 1986 [1951]: 609ff). However, focusing on compliance creates the risk that resistant practices fall from view, as did the anti-colonial resistance in Arendt's book on violence (Arendt, 1970) or the resistance of Jewish prisoners in concentration camps in her book on Eichmann (Arendt, 1977). Only if rule is thought in terms of resistance, do such practices become visible, and dissent and objection become apparent. However, the more total rule becomes or vice versa: the more legitimate rule is, the more difficult it is to identify resistance. And yet, to claim that rule may exist without resistance (Zürn, 2015) does not make much sense, at least analytically. In the case that order and obedience coincide, the basic relationship that is crucial for rule as a form of sociation (*Vergesellschaftung*) disappears (Simmel, 1983 [1908]: 101). Total rule and freedom from rule (*Herrschaftsfreiheit*) would be indistinguishable and can no longer be described as rule.

The conceptualization of rule through resistance allows a clearer grasp of the problem of freedom from rule—as a situation in which resistance is no longer necessary—and that of totalitarianism—as situation, in which resistance is no longer possible. Rule is total if the possibility of resistance is almost completely destroyed. But only almost completely, since even if compliance is coerced through the most brutal means and even where domination is exercised through extermination, there have existed forms of resistance that have kept the idea of a better order alive (Langbein, 1986). Only if this idea had disappeared and all hopes had been shattered could one speak of a completely totalitarian system, but for logical reasons no longer of *rule*. Something similar applies to freedom from rule. Legitimate rule might be a situation in which no need exists for resistance, since almost all men and women in almost all situations believe in the rightfulness and justice of the conditions. Yet only almost all and in almost all situations. Those people who might believe that they must, under certain conditions, voice dissent or exercise resistance may not have good reasons to do so, but they need to have the right and the possibility as long as we want to speak of rule. Where the right and possibility, along with the need to resist, completely disappear, rule also disappears, even legitimate rule, at least analytically.<sup>1</sup>

Rule may or may not appear with a claim to legitimacy justifying its coercive nature. It may or may not be successful in generating legitimacy. In the end, this decides only the character of rule, not its existence. Hence, legitimacy is not a defining, but a concomitant feature of the concept of rule. Legitimacy can occur in varying degrees. Although we



regard rule as a structural phenomenon, our focus nevertheless remains on actors. They assume different positions within this structure that open up specific opportunities for action and close off others. The structure in which relations of super- and subordination are stabilized can be uniformly hierarchical with a clearly recognizable center to which everything is subordinated, an ideal type being the nation state. But it can just as well rest on a multitude of institutionalized relations of super- and subordination that exist alongside each other or overlap without a single center being recognizable that could arbitrate collisions between them. Therefore, rule can also be ordered in a “heterarchical” way (Hedlund and Rolander, 1990) as a juxtaposition and superimposition of vertically and horizontally structured partial orders (Donnelly, 2009: 63).<sup>2</sup>

The forms of power that constitute and secure relations of super- and subordination also vary. They can rest on formal legal regulation or on informal discursive power, on structural power in the classical sense (i.e. as the power to set the agenda) or on an unequal distribution of resources; but, of course, they can also turn out to involve coercive power backed up by physical force (on the polymorphic character of power, see Barnett and Duvall, 2005: 40; Guzzini, 2005). None of these various forms of the exercise of power is privileged *a priori*. They only represent different manifestations of the exercise of rule. While in nation-states rule typically manifests itself in the form of legal regulation subsuming other forms of rule, in international politics law is only one tool among others to exercise rule.

However, the more rule occurs outside the context of formal legal control systems and the less it relies on direct coercion, as we typically observe at the global level, the harder it becomes to grasp it empirically. Heterarchical orders of rule can rarely be analyzed as manifestly coercive arrangements (such as in the case of colonial power) or as asymmetrical institutions (such as in the case of asymmetrical treaties). Instead they have to be carefully reconstructed in discourse, in the presence and absence of bodies of rules and in the analysis of possibilities and limits of action (for similar observations on heteronomy, see Onuf and Klink, 1989). This is why they can best be described on the basis of resistance, for resistance makes asymmetrical power relations visible and unveils the mechanisms of generating obedience. Thus, Foucault’s (1990) famous sentence—“Where there is power, there is resistance”—can also be inverted and reformulated as: where there is resistance, there is power, meaning that the analysis of resistance can reveal even hidden forms of power (1990: 95). Rule, as institutionalized power, does have a tendency to marginalize resistance, whether by generating legitimacy and voluntary compliance or through coercion and oppression; but resistance also remains a necessary component of rule whether this is exercised in the most subtle manner or with brute force.

### *Opposition and dissidence as forms of resistance*

Although rule always entails resistance because it ultimately rests on forms of coercion, the nature and extent of resistance can vary. For example, resistance can be limited to individual decisions or *policies*, it can concentrate on decision-making structures and processes (*politics*), or it can reject the order in its entirety, that is, its fundamental norms and principles, rules, and institutions (*polity*).

Not only can the object of resistance vary but also the means to which it has recourse. Resistance can advocate changes within the system of rule by accepting the applicable rules of the game of political participation or it can make use of means of action that lie outside of these accepted rules. These different modes of action can be conceptualized as oppositional conduct, on one hand, and as dissident conduct, on the other hand. Common to both forms is that they voice dissent and formulate—albeit in varying degrees—political alternatives to the ruling order; but they differ quite fundamentally over whether they accept that order and the applicable rules of political participation and comply with them (opposition) or whether they reject or deliberately violate these rules (dissidence). Since opposition and dissidence are ideal types, we would not expect to find these forms in their pure state, but would instead anticipate approximations to one of the two types and transitions between them.<sup>3</sup>

Evidently, not only can resistance assume a variety of different forms, if one considers, for example, signature campaigns by Greenpeace, on one hand, and arson attacks by the Earth Liberation Front, on the other hand, as ways of articulating opposition to the logging of old growth forests; it can also change its form, moving from opposition to dissidence, as in the case of the development of student protest into an urban guerrilla movement and then into terrorist attacks of the Red Army Faction, to cite an extreme example. What determined this transition and to what extent does it permit inferences to rule?

A key factor in explaining the transition from opposition to dissidence and from dissidence to opposition is the character of the system of rule and the changes it undergoes. If we follow empirical research on democracy in the tradition of Robert Dahl, the nature and extent of resistance within a system of rule is an expression of its level of democracy. In this context, the right to engage in opposition represents one of the three central steps in the (historical) democratization of Western societies (in addition to the right to representation and the right to vote; Dahl, 1966: xi). The more space systems of rule have granted their members to articulate dissent, the stronger the principle of political equality became in the respective systems. At the same time—and this is the interesting observation for our purposes—this involved a moderation of resistance. In other words, the greater the opportunities to participate in the system of rule and the more space that was accorded to resistance, the more the resistance of dissidence (in Dahl, “system opposition” or “revolutionary opposition”) lost its radical character and turned into opposition that seeks to exercise influence within the applicable rules of the game (see Dahl, 1965).

However, Dahl sees real grounds for concern that this process could be reversed, namely, when the spaces for articulating resistance and for political participation become smaller. For Dahl, this involves the concern not only that autocratic systems could again be on the advance but also that the change of governance in modern nation-states (as this began to emerge after the end of the Second World War) could go hand in hand with a circumvention of the classical political arenas, and thus also of the spaces for resistance, thereby rendering political participation ineffectual (see also Kirchheimer, 1957). The more politics withdraws from the political institutions, such as parliament, and migrates into informal or international bodies, the less opportunity there is for criticism to gain a hearing. This leads, in turn, according to Dahl (1965), to the alienation of the citizens from their system, a development which favors a renewed radicalization of

resistance (Helms, 2004: 38; see also Hay, 2007; Offe and Preuss, 2006: 9–11). This hypothesis derived from democracy research can be found in a similar guise in research on social movements. In studies on radicalization in social movements, it is argued that the likelihood of radicalization increases the more repression a movement meets with or the more it is ignored (Della Porta, 1995: 190–195; Hoover and Kovalewski, 1992; Juris, 2005: 173).

The following conjecture can thus be confidently inferred for international politics: the more radical the resistance (dissidence), the more closed is the ruling order, either by narrowing opportunities for political participation or by avoiding political debate. If this hypothesis is correct, then the analysis of resistance also reveals something about the character of the system of rule, or at least about the changes it undergoes. The hypothesis should nevertheless be treated with caution. On one hand, the direction of causality is unclear. Although rule and resistance may constitute a reciprocal referential context, this says nothing about what is cause and what is effect (and whether we are even dealing with a causal relation). On the other hand, it must at least be assumed that the hypothesis is underspecified. Since, as we will illustrate in the next section, different manifestations of resistance can be observed in the conflict with the same system of rule—for example, dissident and opposition groups in the alter-globalization movement—it cannot be the character of the system of rule or its transformation alone that provokes the specific forms of resistance. Identifying the factors that drive the dynamics of rule and resistance is undoubtedly the central task for a research program that places the problem of rule at the center of the analysis of global politics.

## **Illustrative case studies**

If rule and resistance are part of a reciprocal referential context, as we have shown in the last section, it should also be possible to draw conclusions from the analysis of resistance to the nature of the system of rule and its transformations. To illustrate this, we draw on two case studies of forms of state and non-state resistance in international politics. While state resistance has a comparatively larger impact given that states are still the principal actors in international politics, non-state actor resistance can be observed more frequently, if only because these actors are often the object of rule without having had any say in its making (Niesen, 2019b).<sup>4</sup> We first turn to a case of state resistance, specifically the posture of India toward the nuclear non-proliferation regime. The radicalization of India's resistance to the Non-Proliferation Treaty (NPT) to the point of dissidence—which culminated in the development and testing of its own nuclear weapons—corresponds to significant changes in the NPT regime.

The situation is less clear in the case of non-state resistance, to which our second case study is devoted. Here, too, a clear radicalization of resistance on the part of the groups within the alter-globalization movement toward the global economic institutions can be observed. In this case, however, the radicalization followed an extension of political participation opportunities for the groups within the movement. However, we will show that this extension had counterproductive effects because the participation was narrowly restricted both in form and substance. As such, it came close to a circumvention of political debate.

### *Nuclear dissidence and the system of rule of non-proliferation*

The nuclear non-proliferation regime has been described as embodying a particularly strong prohibiting norm institutionalized as nuclear taboo (Tannenwald, 2007). India's breaking of this taboo through nuclear testing and the development of nuclear weapons has been interpreted as an expression of the striving for supremacy of an emergent regional power or as the effect of a regional arms race on the Indian subcontinent. But if we examine the development of the NPT and of Indian foreign and security policy more closely, then India's behavior can be interpreted as nuclear dissidence against an increasingly unjust global system of nuclear rule.

The indefinite extension of the NPT in 1995 was decisive in the change in Indian policy and the decision to test nuclear weapons. India had been a proponent of nuclear disarmament since its independence (see Jain, 1974) but at the same time held open the option of acquiring its own nuclear arsenal. Thus, although Jawaharlal Nehru advocated the development of a military nuclear infrastructure, he spoke out against constructing nuclear weapons. In 1967, India voted against the NPT and has remained one of its most severe critics on account of its "discriminatory" character. In 1974, India decided to conduct its first nuclear test, which it described as a "peaceful nuclear explosion." Over the next 24 years, India avoided testing nuclear weapons and pursued a policy of nuclear opposition. It was only in 1998, shortly after the indefinite extension of the NPT and under the government of the nationalist Bharatiya Janata Party (BJP), that India decided to conduct open nuclear weapons tests, thus opting for nuclear dissidence.

Until the mid-1990s, the nuclear world order was based on the nuclear taboo founding a social hierarchy consisting of states that possessed nuclear arms and states that promised not to acquire such weapons (Daase, 2003). Sociologically speaking, taboos serve to stabilize asymmetric structures of rule through the "direct harnessing of religion to extra-religious purposes" (Weber, 1978: 433; for a similar account, see Douglas, 1966). Until 1995, the world nuclear order was thus a charismatic system-based categorical distinctions and the belief in the singularity of nuclear weapons. The date of 1 January 1967, as an abstract criterion of the legitimate possession of nuclear weapons, was only a weak obfuscation of an inherently arbitrary classification that favors specific states.<sup>5</sup> But from the beginning, the willingness of the non-nuclear-armed states to accept this classification and to recognize the nuclear charisma of the nuclear-armed states was subject to a reservation enshrined in Article VI of the NPT, namely, the bona fide intention on the part of the nuclear-armed states to take effective measures to achieve complete nuclear disarmament. The establishment of regular review conferences—a novelty in diplomacy—served to maintain this balance between respect and banning: respect for the legitimate and banning of the illegitimate possession of nuclear weapons on the part of non-nuclear-armed states; respect for the taboo on their use and work toward the future banning of their own possession on the part of the nuclear-armed states. Only because the non-nuclear-armed states periodically had the opportunity to extend the NPT for a further 5 years or to withdraw their consent could they consider the inequality of the treaty not to be discrimination but instead a temporary necessity of the system of nuclear rule. It was precisely the conditionality and the provisional nature of the regime that guaranteed its legitimacy and stability.

This provisional nature was lost in 1995 with the indefinite extension of the NPT. Although the extension was welcomed in principle, the contradictions in the global nuclear system were exacerbated and the erosion of the non-proliferation regime was accelerated. The core of the regime is that some states refrain from acquiring and possessing nuclear weapons as long as the other states seek to promote nuclear disarmament; therefore, the indefinite stipulation of non-possession by the former states without a simultaneous commitment to take concrete steps toward disarmament by the latter states amounts to an emancipation from the obligation to disarm. From now on, the rule of the nuclear-armed states rested on a “statutory system,” which transformed the non-discriminatory taboo into a discriminatory norm.

Initially, the success of the nuclear-armed states seemed perfect. They had exchanged their unstable charismatic rule for a legal form of rule that freed them from their own obligations and promised enduring stability. However, although Weber describes the process of depersonalization as virtually inevitable, its success is not guaranteed. The decisive point is how the new form of rule deals with the contradictions of the old: Does it defuse them or exacerbate them? Contradictions in charismatic leadership remain latent as long as the duration of the claim to rule is indeterminate and the social order it founds is regarded as temporary. These contradictions become manifest in legal rule, which is designed to be permanent and whose institutions claim indefinite validity. This is the reason why the classification into nuclear-armed states and non-nuclear-armed states could become the legitimate basis of the nuclear charismatic rule, but the same classification failed to provide the legitimacy for a legal system of nuclear inequality. The growing opposition to the global nuclear order disavows the indefinite extension of the NPT as a strategy of nuclear-armed states to stabilize an unjust—because it is asymmetrical—system of rule that entrenches asymmetric rights and duties. India’s move from nuclear opposition to nuclear dissidence was at least partly caused by the transition of nuclear rule.

### *Dissidence in transnational civil society*

The protests of the alter-globalization movement emerged in the 1990s and had its mobilization peak in the mid-2000s. These protests have become synonymous with resistance to international institutions and with their smoldering legitimacy crisis. Although heterogeneous regarding the goals, strategies, and ideologies of the organizations it brings together (Clark and Themudo, 2006; Crossley, 2002; Gibson, 2008), the movement has captured enormous public attention. Its recurring protests are described as a wave of politicization that place international institutions under pressure to justify themselves for their increasingly invasive encroachments into the lives of individual citizens and for their lack of democratic legitimacy (Zürn et al., 2012). This persistent criticism has not left the global economic institutions unmoved. In a search for ways and strategies to restore their legitimacy in the eyes of the public (O’Brien et al., 2000), these institutions initiated reforms of their policy guidelines. In addition, they began a gradual opening of their institutions by establishing consultation and deliberation forums for the activists (also Tallberg et al., 2013). However, these forums have met with a mixed reception, at best. Although non-governmental organizations, in particular, accepted the invitations, a majority of the opponents—chiefly activists groups—rejected it and intensified their

resistance. As they saw it, the forums were a thinly disguised attempt to divide the movement and to silence its criticism (Ayres, 2003: 91; Worth and Buckley, 2009: 652). Although the global economic institutions, in particular the World Bank and World Trade Organization, seemed to create more space for political participation, no moderation of the resistance could be observed (or at least only sporadically)—if anything, a radicalization emerged. At first sight, this development speaks against the hypothesis that restricted spaces for resistance lead to a radicalization also of transnational protest. However, a closer look at the deliberative forums shows that one can hardly speak of an expansion of the scope for political participation.

These deliberative forums were extremely narrowly defined across the board, as O'Brien et al. (2000: 206) show in a systematic study of the interaction between transnational social movements and global economic institutions. This began already with the fact that the institutions issued very selective invitations to the forums, which were addressed primarily to their moderate critics, while more radical voices were not even admitted in the first place (see also Hack, 2017; Higgott, 2000: 143). Conversely, when access was open, the forums themselves were correspondingly restricted in their mandate. Activists were permitted to ask questions, for example, but only on pre-defined topics and under narrow time constraints that largely precluded discussion. O'Brien et al. (2000: 208–209, 222) even conjecture that the global economic institutions deliberately used these forums to split and diffuse the growing resistance and to guarantee the smooth operation of the institutions. Deliberative forums were in this respect more an attempt to restore the consensus on the rationality of the institutions, but were not conceived as an opening to the critics.

In short, the forums did not permit equal access to or opportunities to exercise influence over the deliberation. Instead they restricted the political alternatives to predetermined criteria that corresponded to the rationality of the institution and systematically exclude more radical voices (see, in general, Ottaway, 2001). This shows that deliberative forums, at least in this form, can serve neither as an open engagement with opposition nor as a means to recover legitimacy. The majority of the activist groups within the anti-globalization movement in any case refused to participate. From their perspective, the forums were an illusion (Worth and Buckley, 2009: 652). They regard the global economic institutions across the board as so entangled in a hegemonic discourse of neoliberal ideology that any interaction could only lead to co-optation or, even worse, to reinforcement of this discourse (Andretta et al., 2006). Thus they express a form of dissidence. Because of their intransigence, these groupings were increasingly described as apolitical. Their emphasis on street protest, civil disobedience, and carnivalesque forms of protest was branded as irrational, given that they had the opportunity to participate in normal politics (see Bleiker, 2005; Juris, 2005). An increase in repressive measures can also be observed in dealings with the groups within the movement. These include the almost military cordoning-off of security zones around the buildings in which major summits were held and heightened police repression against such direct action at transnational summits.

In summary, it is clear that the opening to political participation, as this was envisaged by global economic institutions in response to the growing resistance to their policies, frustrated all intentions to seriously engage with resistance.

## Conclusion

Taking the cases together, we can draw some, albeit tentative, conclusions about the relationship between rule and resistance.

First, it is clear that in both cases the examination of resistance practices enables us to identify structures of rule that are often overlooked by traditional approaches. Because classical approaches construe the institutions in question as powerless—they see them as organizations that are steered by states or as purely horizontal cooperation structures to which actors submit themselves voluntarily from a clearly recognizable utility calculation or from normative conviction—these approaches overlook the asymmetrical power relations that are solidified in international institutions. Therefore, reconstructing global rule from the perspective of resistance enables us to shed new light on political action, on one hand, and institutional structures, on the other hand.

At the same time, it is clear that the relationship between rule and resistance is still underdetermined. Different forms of resistance can be found in both case studies. While some actors exhibit oppositional behavior, others migrate into dissidence. This indicates that it is not only the “objective” features of rule that determine the political conduct of the ruled, but that the “subjective” assessments of the addressees are no less important. How the latter arise is key to understanding the choice between opposition and dissidence, and hence the diversity of rule and resistance.

But there are also limits to the reconstruction of rule on the basis of resistance. The more rule becomes detached from codified rules and institutions and the less it is materialized in a unified system of super- and subordination, the less it is directly visible for the actors, and hence also the less it is vulnerable to resistance. If it is not clear where the center of rule is located, resistance also lacks a place where it can be ignited. Simply put, the more subtle the rule, the less likely it is that it will generate ample resistance. This relationship can be seen clearly from the case studies. Both in the case of the nuclear non-proliferation system and of the global economic order, a strengthening and radicalization of resistance can be observed where the system of rule is manifest, formal, and visible. This is especially apparent in the case of non-proliferation. It was only when the nuclear weapon states tried to convert their informal, charismatic rule into formal, legal rule that opposition became radicalized, because it was only at this point that the inequalities became apparent, on one hand, and were made permanent through codification, on the other hand. But parallels can also be drawn for the global economic institutions and resistance to them. Even though this was initially a matter of diffuse protest, resistance became radicalized and focused the moment participation was made available, hence, again, when rule assumed a visible form.

This observation once again raises the question of the referential context of rule and resistance because it implies two things: first, that resistance depends for its expression on identifiable rule structures, which places certain limits on our proposal to reconstruct the more subtle forms of rule on the basis of resistance; second, it can be conjectured that it is resistance itself which compels rule to formalize itself, to generate legitimacy, and to appease resistance. That would be more or less the reading that can be found in Weber, who identifies a trend toward legal-bureaucratic forms of rule in modernity, in order to be able to stabilize rule as such. Beyond Weber's ideas of rational progress, this

underlines our suggestion that resistance in and by itself is a condition for legitimating rule by forcing it to manifest itself in engaging the resistance. While not all transnational protest should be read as a form of constituent power per se, it is a precondition for it (Lorey, 2019). This holds for opposition as well as for dissidence. Even more radical forms of resistance which are often portrayed as an endangerment of democracy or even as anti-political because they reject participation in “normal politics” share this characteristic (see also Celikates, 2010: 291, 2016; Guidry and Sawyer, 2003: 274). Their disruptive tactics and anarchic design aim to break up hegemonic discourses and unquestioned certainties to even raise the possibility of alternatives to the existing order (Young, 2001).

## Notes

1. However, it will be difficult then to analyze what Steven Lukes (1974) has called the third face of power, that is, if power is used to covertly manipulate others to do something they might not actually want to do by changing what they want. Analytical access to this phase, however, can only be gained through the concept of “false consciousness,” a concept that we find problematical for independent reasons.
2. For a sophisticated conceptualization of types of rule and rules, see Onuf (2012).
3. Note that the differentiation between opposition and dissidence sits uneasily with the traditional concept of civil disobedience. On one hand, civil disobedience belongs to the category of opposition because it entails the overall acceptance of the political system at hand. In partly constitutionalized systems, however, like international politics, even more transformative forms of resistance such as dissidence could often be interpreted as civil disobedience (see also Celikates, 2019).
4. Since the international political system lacks a unified constitutional frame, agents of resistance can be all those actors that are the object of transnational rule, hence state- and non-state actors.
5. The Non-Proliferation Treaty (NPT) defines the term “nuclear-weapon state” in Article 9, paragraph 3. According to this, a nuclear-weapon state “for the purposes of this Treaty” is “one which has manufactured or exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.” The countries meant were, of course, the United States, the Soviet Union, Great Britain, France, and China.

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### Author biographies

**Christopher Daase** is a Professor for International Organization at Goethe University Frankfurt and the Deputy Director of the Peace Research Institute Frankfurt (PRIF). Previously, he held the Chair in International Relations at the University of Munich (2004–2009) and was a Senior Lecturer at the University of Kent at Canterbury as well as the Director of the Program on International Conflict Analysis at the Brussels School of International Studies (1999–2004). His research centers on theories of international relations, security issues, guerrilla warfare, and terrorism, as well as international institutions.

**Nicole Deitelhoff** is a Director of the Peace Research Institute Frankfurt (PRIF) and a Professor for International Relations at Goethe University Frankfurt. Her research and teaching focuses on international institutions and norms, the foundations of political rule and its legitimation beyond the nation state, as well as forms of transnational resistance, opposition, and dissidence.